

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARCELL N.¹,
Plaintiff
v.
FRANK BISIGNANO²,
Commissioner of Social Security,
Defendant.

Case No. CV 24-7083 AH (KES)

**ORDER ACCEPTING REPORT
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the complaint, briefs, Report and Recommendation of United State Magistrate Judge (“Report”; Dkt. No. 14), Plaintiff’s Objections to the Report (Dkt. 16; “Objections”), relevant portions of the Administrative Record, and the other relevant records on file.

The Court has engaged in a de novo review of those portions of the Report to which Plaintiff has objected. Although not required, the Court briefly discusses the

¹ Plaintiff’s name has been partially redacted in compliance with Federal Rule of Civil Procedure 5.2(c)(2)(B) and the recommendation of the Committee on Court Administration and Case Management of the Judicial Conference of the United States.

² Frank Bisignano became the Commissioner of Social Security on May 6, 2025. Under Federal Rule of Civil Procedure 25(d), he is automatically substituted as Defendant in this suit. See *Orosco v. Bisignano*, No. 1:24-CV-01171 JLT GSA, 2025 WL 1665803, at *1 n.1 (E.D. Cal. June 12, 2025).

1 following points. *See United States v. Ramos*, 65 F.4th 427, 434 (9th Cir. 2023)
2 (“the district court ha[s] no obligation to provide individualized analysis of each
3 objection”); *Wang v. Masaitis*, 416 F.3d 992, 1000 (9th Cir. 2005) (affirming a
4 cursory district court order summarily adopting, without addressing any objections,
5 a magistrate judge’s report and recommendation).

6 Plaintiff generally repeats issues and arguments already presented in his
7 briefs. *Compare* Dkts. 9 at 5-6 & Dkt. 13 at 5 *with* Dkt. 16 at 3. Those were
8 adequately addressed in the Report. To the extent Plaintiff alleges the Report also
9 did not fully appreciate the waxing and waning of his mental-health symptoms, as he
10 alleged the ALJ failed to do (Dkt. 9 at 9; Dkt. 16 at 5-6), the findings cited in both
11 the Administrative Law Judge (“ALJ”)’s decision and the Report showing
12 improvement and stability nonetheless are substantial evidence supporting the
13 administrative decision (Dkt. 14 at 9-10). *See Ford v. Saul*, 950 F.3d 1141, 1156
14 (9th Cir. 2020) (“Although [claimant] argues that the ALJ failed to recognize the
15 inherently variable nature of mental illness, ‘[t]he court will uphold the ALJ’s
16 conclusion when the evidence is susceptible to more than one rational
17 interpretation.’” (citation omitted)).

18 Additionally, Plaintiff’s contention that the Report “applied the incorrect legal
19 standard” when it determined that opinions offered by a licensed social worker were
20 not medical opinions because the Report cited a pre-revised regulations case (Dkt.
21 16 at 7-8), is not a fair reading of the full Report. The Report specifically went on to
22 say that because the social worker “said that she assisted a psychiatrist in completing
23 the [medical source statement], the Court treats these opinions as coming from a
24 medical source” under the revised regulations (Dkt. 14 at 14), and evaluated them as
25 such under those revised regulations (*id.* at 16-19). *See* 20 C.F.R. § 416.913(a)(2)
26 (“A medical opinion is a statement from a medical source . . .”). Thus, even if the
27 Report erred by citing a pre-revised regulations case—which the Court does not
28 find—it nonetheless properly evaluated them as medical opinions under the revised

1 regulations, including determining whether the ALJ's decision to find the medical
2 opinions unpersuasive was explained in terms of "supportability" and "consistency."
3 (Dkt. 14 at 17-18 (citing 20 C.F.R. § 416.920c(b)(2))).

4 The Objections are therefore **OVERRULED**.

5 Accordingly, **IT IS HEREBY ORDERED**:

- 6 1. The Report (Dkt. No. 14) is **ACCEPTED**;
7 2. The Commissioner's denial of benefits is **AFFIRMED**;
8 3. Judgment is to be **ENTERED** accordingly; and
9 4. The Clerk of the Court serve this Order and the Judgment on all
10 counsel or parties of record.

11 IT IS SO ORDERED.

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13 Dated: June 20, 2025


14 ANNE HWANG
United States District Judge

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